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Plaintiff Pro SE

IN THE SUPERIOR COURT
MARION COUNTY

DR. ORLY TAITZ, ESQ)
KARL SWIHART)
EDWARD KESLER)
BOB KERN)
FRANK WEYL)
V)
ELECTIONS COMMISSION)
SECRETARY OF STATE OF INDIANA)

**RULE 60 MOTION FOR RELIEF FROM JUNE 25, 2012 ORDER TO
DISMISS WITH PREJUDICE**

Plaintiffs move this court to relieve them from June 25, 2012, order to dismiss all claims with prejudice as the order was made in flagrant error of fact, as none of the causes of action for Fraud, Negligence and breach of fiduciary duties were ever heard on the merits. Complaint on appeal of the agency decision was dismissed on the motion to dismiss on procedural grounds, which were misrepresented and corrected in an amended complaint. There is absolutely no basis in law and fact to dismiss this case with prejudice. At the most the case can be dismissed without prejudice and with leave to amend and supplement the records with certified records from the agency.

Rule 60

- (B) Mistake discovered evidence--Fraud, etc.
- On motion and upon such terms as are just the court may relieve a party or his legal representative from a judgment, including a judgment by default, for the following reasons:
 - (1) mistake, surprise, or excusable neglect;

SUMMARY OF THE CASE

The case at hand is a case for FRAUD, NEGLIGENCE, VIOLATION OF FIDUCIARY DUTIES by defendants Secretary of State and all four members of the Elections Commission.

All five plaintiffs filed their separate complaints.

Plaintiffs Taitz and Kern filed complaints for “Elections Fraud”. According HAVA, Federal Help America Vote Act guidelines, such complaint could be filed by citizens of any state, and those were properly filed by Taitz and KERN.

Taitz and Kern provided Secretary of State undeniable evidence, showing candidate for president listed on the ballot as Barack Obama using a name that is not his legal name, which is Barack Hussein Obama, II, in violation of IC-3-5-7-4, using a forged birth certificate and a forged Social Security number. Defendants breached their fiduciary duty, aided and abetted fraud committed by Obama and totally ignored the complaints.

Plaintiffs Swihart, Kesler and Weyl filed “candidate ballot challenge complaints”.

While defendants allowed the Plaintiffs to appear during the elections commission hearing, defendants refused to file over 201 pages of evidence provided by the plaintiffs, held a sham hearing and denied the petition to remove Obama from the ballot. Defendants were violating their fiduciary duty, they were negligent at best

or were complicit in the biggest elections fraud in the history of this nation at worst.

Plaintiffs filed a complaint against the defendants.

Defendants filed a motion to dismiss, citing a couple of minor technical deficiencies that could be easily cured.

Plaintiffs responded by filing their amended complaint seeking Injunctive relief and removing Obama from the ballot due to fraud. Plaintiffs also filed a complaint for Fraud, Negligence and Breach of Fiduciary Duties. In the amended complaint Plaintiffs cured a couple of technical deficiencies. They provided addresses for a couple of Plaintiffs, whose addresses were not listed in the original complaint and provided verification.

Together with the amended complaint Plaintiffs filed a request for an emergency hearing seeking an emergency injunction to remove Obama from the ballot and decertify his votes due to fraud and use of forged documents.

After two weeks of wait and nearly daily calls Plaintiffs motion for a hearing was granted on 05.21.2012 and was scheduled for June 12, 2012.

Court served Defendants through their attorneys with notice of specific hearing.

On May 21, 2012 Court served Defendant's attorney Kate Shelby with the notice of specific hearing, which was set by the Plaintiffs.

On the same day, on May 21, 2012 the court served defendants attorney Jefferson Garn with the notice of a specific hearing set by the Plaintiffs.

Only after the hearing was set on the Plaintiff's petition, Defendants submitted an opposition that they titled as a reply to motion to dismiss the original complaint, which was moot by that time, as the first amended complaint was already filed and the first amended complaint was an operative pleading.

On 06.04.2012 Plaintiffs filed an opposition to 05.21.2012 pleadings by the Defendants. It was docketed on 06.06.2012 by the court.

Plaintiffs issued multiple subpoenas for 06.12.2012 hearing and spent a fortune flying witnesses to the to the 06.12.2012 hearing.

Plaintiffs advised the court that they filed an opposition to 05.21.2012 pleadings by the Defendants, where they sought sanctions against the defendants. (Exhibit 2)

The court erroneously stated during 06.12.2012 hearing that the court did not receive above mentioned pleadings. The docket reflects that the court made an error, and that the Opposition filed by the Plaintiffs was indeed received by the court and docketed on 06.06.2012, nearly a week before the hearing. (Exhibit 1).

Court made an error.

Court denied Plaintiffs the right to argue their motion and put on the stand any of the witnesses, who flew from different parts of the country.

The court stated that it will dismiss the agency appeal, but did not provide any reasoning why, and why it refuses to allow additional time to submit a certified record from the agency, even though the court had jurisdiction to do so.

The court did not provide any reason or justification for dismissing other causes of action, such as Fraud, Negligence and Breach of Fiduciary duty.

From June 12 till June 24 Plaintiffs were waiting for a proposed order from the Defendants. They did not receive such proposed order. Plaintiffs went on line and found a June 12 order by the court, which stated “Court orders case dismissal for failing to follow requests”.

As Plaintiff Taitz did not receive any other proposed orders until June 24, Taitz filed 60 B(1) Motion for relief from Judgment/order, issued on June 12, due to flagrant error, as the court never made any requests and Plaintiffs never failed to follow any requests. Exhibit 3 60 B(1) motion for relief from June 12, 2012 Judgment/Order.

On June 25th Plaintiff Taitz received a proposed order from the defendants. Proposed order represents flagrant fraud on the court and an attempt to dump on Judge Reid responsibility and liability for flagrant egregious elections fraud and possibly treason committed by defendants and their attorneys.

While typically a party that prepares a proposed order would extend courtesy to the opponent by providing such proposed order in advance to see, if there is an error or disagreement. Such courtesy was not extended in this case.

In the proposed order Plaintiffs prepared an order for signature to dismiss all claims with prejudice. This is flagrant fraud.

1. During June 12 hearing Court never stated that any of the claims will be dismissed with prejudice, as none of the claims were ever heard on the merits. By submitting an order, which flagrantly misrepresents what was stated by judge Reid, defendants attempted to use Judge Reid as a tool to sanitize and legitimize massive fraud committed by Obama and fraud and breach of fiduciary duties by the Defendants.
2. A claim for NEGLIGENCE was never heard at all.
3. A claim for BREACH OF FIDUCIARY DUTIES by defendants was never heard at all.
4. A claim for FRAUD committed by the defendants was never heard at all.
5. The only thing that was ever even discussed, was agency appeal, however, even there only technical deficiencies were noted.
6. During June 12, 2012 hearing Judge Reid never stated that Plaintiffs failed to comply with Indiana Code §4-21.5.5.-2. Judge Reid never stated that

Plaintiffs lacked standing to bring elections fraud complaint. And indeed Plaintiffs have standing.

7. During June 12 hearing judge Reid never stated that Plaintiffs failed to comply with §4-21.5—5-7(b) regarding content of the judicial review, and indeed there was never any such violation.
8. Judge Reid never stated that Plaintiffs violated §4-21.5-5-8 regarding service of petition on necessary parties and indeed there was never any such violation, defendants were properly served and were represented by the office of the Attorney General.
9. Judge Reid never stated that Plaintiffs ever violated §4-21.5-5-9 regarding requirements for stay and there was never such violation.
10. The only thing that was ever discussed during June 12, 2012 hearing, was lack of certified record from the agency, meaning from the Secretary of State and elections commission. This minor deficiency could be easily corrected by giving Plaintiffs additional time to complete the record. Moreover, Plaintiffs advised the court that the defendants simply ignored complaints of “Elections Fraud” filed by Taitz and Kern, so there was no record from the agency. In regards to Weyl, Swihart and Kesler the agency, elections commission refused to file the evidence submitted by the Plaintiffs and refused to consider it, so there was no record to submit.

11. Defendants knew that the case was never heard on the merits and proposed order to dismiss all the claims with prejudice was flagrantly fraudulent. It was slipped in proposed order with malice in order to use this court to cover up fraud committed by Obama and by the defendants and their attorneys. As a matter of fact, Taitz subpoenaed to the June 12 hearing sheriff Joseph Arpaio from Maricopa County, Arizona. While Sheriff Arpaio could not appear at June 12, 2012 hearing, he released a sworn affidavit attesting to the fact that Obama is using a forged birth certificate, forged selective service certificate and a forged Social security card. (Exhibit 4). Today the Supreme Court of the United States upheld the main provision of Arizona bill 1070, requiring police to hold in custody individuals suspected of being illegal aliens and requesting them to transfer such illegal aliens to INS and Border patrol for deportation procedures. We reached a situation, where President of the United States cannot step foot in Arizona and specifically it's capital Phoenix, as he might be arrested by Sheriff Arpaio and reported to Border Patrol for deportation due to his use of forged identification papers. Considering recent contempt of Congress by Obama's Attorney General Holder due to drug running DOJ operation "Fast and Furious", and Obama invoking an executive privilege and refusing to provide thousands of pages of evidence in regards to death of a Border Patrol agent

using assault weapons supplied by DOJ, it is highly likely that Border Patrol will be happy to oblige with deportation of a foreign national using all forged identification papers. Clearly the defendants are well aware of this situation and they knowingly and maliciously misrepresented what was stated by Judge Reid in order to use her to cover up above fraud and claim that the case was heard on the merits.

12. As the court did not state that the complaint is dismissed with prejudice, Plaintiffs are seeking to modify proposed order presented by the Defendants to Dismiss with leave to amend and submit a certified record from the agency. Additionally, the court made an error believing that it did not receive June 4 opposition by Taitz. In this opposition Taitz quoted Indiana Family and Social Services v Alice Meyer et al 69A01-0807CV358. In Meyer Indiana Court of Appeals clearly stated that in case of agency appeal the court has discretion to respond to procedural error by granting a belated extension of time. Meyer shows that this court clearly has jurisdiction to extend time to complete file. Moreover, Plaintiffs can re-file causes of action for Fraud, Negligence and Breach of fiduciary duty separately and bring an action for agency appeal after bringing a petition to remove Obama from the ballot in general election. As the case was never heard on the merits Plaintiffs are free to bring such action.

13. Court made an error in reaching a decision to dismiss the case without ever reading June 4, 2012 opposition by the Plaintiffs, as during the June 12 hearing judge Reid stated that she did not have it, while the docket reflected that it was received.

CONCLUSION

Under rule 60B and due to error of fact Plaintiffs should be relieved from June 25, 2012 order and a corrected order should be issued.

Above captioned case should be dismissed **WITHOUT PREJUDICE** and with leave to amend and supplement record with a certified agency record and a \$500 bond within 30 days from the date of receipt of this order.



Respectfully submitted,

/s/ Dr. Orly Taitz, ESQ

06.26.2012

**IN THE SUPERIOR COURT
MARION COUNTY**

DR. ORLY TAITZ, ESQ)
KARL SWIHART)
EDWARD KESLER)
BOB KERN)
FRANK WEYL)
V)
ELECTIONS COMMISSION)
SECRETARY OF STATE OF INDIANA)

ORDER

Under rule 60B and due to error of fact Plaintiffs are relieved from June 25, 2012 order and a corrected order is issued.

Above captioned case is dismissed **WITHOUT PREJUDICE** and with leave to amend and supplement record with a certified agency record and a \$500 bond within 30 days from the date of receipt of this order.

Signed _____

Honorable Judge S.K. Reid

Dated _____

Exhibit 1

CIVIL CASE NO 49D141203MI012046

DOCKET SUMMARY

Marion County Circuit Court Clerk



Elizabeth L. White, Clerk

 W-122 CITY-COUNTY BUILDING
 200 E. WASHINGTON STREET
 INDIANAPOLIS, IN 46204-3381
 (317) 327-4740

Civil Case Summary Results

Mon Jun 25 14:12:16 EDT 2012

Case:	ORLY TAITZ DR VS.ELECTIONS COMMISSION
Cause Number:	49D141203MI012046
Suffix:	
Case Status:	O

Date	Event Description	
	CASE TYPE	More Info
	ATTORNEY DETAILS	More Info
03/23/12	CASE FILED.	More Info
03/27/12	SUMMONS SERVED BY CORPORATE SERVICE ON A BUSINESS ON	More Info
03/27/12	SUMMONS SERVED BY CORPORATE SERVICE ON A BUSINESS ON	More Info
04/04/12	MOTION TO RECUSE JUDGE SHAHEED, FILED BY PLAINTIFFS	More Info
04/10/12	ATTORNEY JEFFERSON GARN FILES APPEARANCE FOR DEFENDANT.	More Info
04/10/12	MOTION FILED. MOTION TO DISMISS PETITIONERS "MOTION TO	More Info
04/10/12	JACKET ENTRY:MOTION FOR JUDGE RECUSAL IS GRANTED	More Info
04/12/12	CLERK FILES NOTICE OF APPOINTMENT OF SPECIAL JUDGE PURSUANT	More Info
04/12/12	CASE HAS BEEN TRANSFERRED TO 49D141203MI012046	More Info
04/12/12	CASE HAS BEEN TRANSFERRED FROM 49D011203MI012046.	More Info
04/16/12	MEMORANDUM IN SUPPORT FILED BY RESPONDENTS	More Info
04/16/12	MOTION TO DISMISS FILED. BY RESPONDENTS	More Info
04/16/12	OBJECTION TO TAITZ'S APPEARANCE FILED BY RESPONDENTS	More Info
04/16/12	ATTORNEY KATE SHELBY FILES APPEARANCE FOR RESPONDENT.	More Info
04/17/12	MOTION FILED. TO RECUSE JUDGE SHAHEED UNDER RULE 79 OF	More Info
04/17/12	MOTION FILED. FOR SANCTIONS FILED BY RESPONDENTS	More Info
05/07/12	FIRST AMENDED COMPLAINT INJUNCTIVE RELIEF; PETITION FOR	More Info
05/21/12	CAUSE SET FOR PENDING MOTIONS ON 06/12/12 AT 01:30 OCLOCK	More Info
05/21/12	NOTICE OF SPECIFIC HEARING WAS SENT TO KATE SHELBY.	More Info
05/21/12	NOTICE OF SPECIFIC HEARING WAS SENT TO JEFFERSON GARN.	More Info
05/21/12	JACKET ENTRY: COMES NOW THE HONORABLE S.K. REID AND HEREBY	More Info

05/21/12	RESPONDENTS SUBMISSION OF PROPOSED ORDER	More Info
05/21/12	RESPONSE IN OPPOSITION TO PETITIONER'S "PETITION FOR	More Info
05/21/12	COURT APPROVES ORDER SETTING HEARING FOR 061212 AT 1:30 PM	More Info
05/21/12	CASE IS DISPOSED BY DEFAULT JUDGMENT *****DISREGARD	More Info
05/21/12	CASE STATUS IS CHANGED FROM OPEN TO DISPOSED.	More Info
05/21/12	CASE STATUS IS CHANGED FROM DISPOSED TO OPEN.	More Info
06/06/12	SUBPOENA, INDIVIDUAL SERVED BY CORPORATE SERVICE ON A	More Info
06/06/12	SUBPOENA, INDIVIDUAL SERVED BY CORPORATE SERVICE ON A	More Info
06/06/12	SUBPOENA, INDIVIDUAL SERVED BY CORPORATE SERVICE ON A	More Info
06/06/12	SUBPOENA, INDIVIDUAL SERVED BY CORPORATE SERVICE ON A	More Info
06/06/12	SUBPOENA, INDIVIDUAL SERVED BY CORPORATE SERVICE ON A	More Info
06/06/12	OPPOSITION TO 052112 PLEADINGS BY THE DEFENDANTS AND MOTION	More Info
06/08/12	ATTORNEY KERRY W KIRCHER FILES APPEARANCE FOR NON-PARTY REP.	More Info
06/08/12	NOTICE OF OBJECTION TO SUBPOENA FILED BY NON-PARTY REP.	More Info
06/08/12	SUBPOENA, INDIVIDUAL SERVED BY O/CO SHRF-COPY ON 06/08/12 AT	More Info
06/11/12	CORRESPONDENCE RECIEVED FROM ARIZONA SECRETARY OF STATE RE:	More Info
06/12/12	BRYAN LEE CIYOU FILES LIMITED APPEARANCE FOR CHARLIE WHITE	More Info
06/12/12	MOTION FILED. TO INTERVENE FILED BY CHARLIE WHITE	More Info
06/12/12	CONSOLIDATED MOTION TO QUASH AND/OR PROTECTIVE ORDER AND/OR	More Info
06/12/12	MOTION/REQUEST FOR ALLOWING MEDIA AND VIDEO RECORDING IN THE	More Info
06/12/12	NOTICE OF A BAR COMPLAINT AGAINST DEFENDANTS AND THEIR	More Info
06/12/12	COURT DENIES ORDER ON PLAINTIFF'S REQUEST FOR ALLOWING MEDIA	More Info
06/12/12	COURT APPROVES ORDER ON PETITION TO INTERVENE	More Info
06/12/12	COURT APPROVES ORDER ON CHARLIE WHITE'S CONSOLIDATED MOTION	More Info
06/12/12	JACKET ENTRY: PETITIONER'S(ALL) IN PERSON PRO SE; RESPONDENT	More Info
06/21/12	RESPONDEN'T SUBMISSION OF PROPOSED ORDER	More Info
06/21/12	BRIEF FILED. BY RESPONDENTS(SUPPLEMENTAL)	More Info

****End of Record(s)****

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Exhibit 2

**FILED OPPOSITION TO MAY 21, 2012 PLEADINGS BY THE
DEFENDANTS AND MOTION FOR SANCTIONS AGAINST THE
DEFENDANTS AND THEIR ATTORNEYS FOR FRAUD ON THE COURT,
COMPLICITY IN COMMITTING FRAUD AND HARASSMENT AND
INTIMIDATION OF THE PLAINTIFFS-WHISTLEBLOWERS.**

**IN THE SUPERIOR COURT
MARION COUNTY**

DR. ORLY TAITZ, ESQ)	
KARL SWIHART)	Case No. 49D141203MI12046
EDWARD KESLER)	
BOB KERN)	
V)	
ELECTIONS COMMISSION)	
<u>SECRETARY OF STATE OF INDIANA</u>)	

**OPPOSITION TO MAY 21.2012 PLEADINGS BY THE DEFENDANTS
AND MOTION FOR SANCTION AGAINST THE DEFENDANTS AND
THEIR ATTORNEYS FOR FRAUD ON THE COURT, COMPLICITY IN
COMMITTING FRAUD AND HARASSMNET AND INTIMIDATION OF
THE PLAINTIFFS-WHISTLEBLOWERS.**

NUNC PRO TUNC MOTION

STATEMENT OF THE CASE

Plaintiffs filed their complaint which had two causes of action: Petition for Emergency Injunctive Relief and Declaratory relief and on March 23, 2012. Defendants filed a motion to dismiss the original complaint. Plaintiffs filed an amended complaint for Injunctive relief, Petition for Declaratory relief, Emergency

stay under AOPA, and additional causes of action for negligence, breach of fiduciary duty and fraud committed by the defendants.

Defendants never filed a motion to dismiss the First Amended complaint. On May 21, Defendants filed a pleading which is totally unintelligible. Defendants appear to file an opposition only to the Petition for Emergency Injunctive Relief/Declaratory relief. In the caption and title of the pleading there is no opposition to causes of action for Fraud, Negligence, Breach of Fiduciary Duty. In the body of the pleading Defendants did not provide one single word of opposition to the above causes of action, therefore it appears that the defendants are challenging only the Petition for the injunctive relief and declaratory relief, however in conclusion they demand to "dismiss the action with prejudice" and "sanction petitioners for their frivolous , meritless and bad faith claims and behavior". It appears the demand in itself is a bad faith and bad behavior, as their demands are totally outrageous and frivolous.

The same May 21 pleading contains a REPLY in support of Respondents Motion to dismiss, Motion to strike appearance of Orly Taitz and Motion for sanctions. This part of the pleading is totally bizarre, as the Plaintiff filed an Amended complaint, which made the original complaint and related motions moot. Defendants never filed a motion to dismiss the First amended complaint. So, it is unintelligible what are they replying to. There is no Motion to dismiss the First

Amended Complaint, there is no opposition to most of the causes of action. As the defendants did not file a motion to dismiss the first Amended complaint, Plaintiffs never opposed a non-existent motion. Now Defendants filed a REPLY to non-existent opposition to non-existent motion.

Similarly, defendants filed a motion to strike an appearance by Taitz, however, Taitz never appeared and there is nothing to strike.

Similarly, defendants are seeking sanctions, but did not provide any evidence of any sanctionable behavior. Defendants appear to be desperate to dismiss an inconvenient case, where the Secretary of State and members of the Elections commission were caught being complicit with a candidate on the ballot Barack Hussein Obama in committing elections fraud by virtue of use by Obama a Social Security number, which was never assigned to Barack Obama according to E-verify and SSNVS, use of a computer generated forgery instead of a valid birth certificate and selective service certificate and use of a name that is not legally his. Defendants and their attorneys appear to cut corners, misrepresent the facts, flagrantly defraud the court in order to defame the plaintiffs who are the whistleblowers, in order to harass and intimidate them and cover up the fraud committed by the defendants. Defendants and their attorneys should be sanctioned by this court for flagrant fraud on the court and for intimidation and harassment of the Plaintiffs-whistleblowers.

NUNC PRO TUNC MOTION

Plaintiffs filed the case at hand pro se. Typically the court allows extra leeway for the pro se plaintiffs. The hearing in on the original complaint was not scheduled. The defendants did not file an answer yet. Rule 15 (a) allows one amendment as a matter of right. Typically, only after an answer is filed, plaintiffs are required to seek a leave of court to file an amended complaint. In this case the answer was not filed yet. A motion to dismiss was filed and typically a motion to dismiss or a demur can be followed by an amended pleading, which would cure any technical errors. Apparently Indiana Rule 15 mentions “responsive pleading” and not an answer and the defendants are stating that their motion to dismiss is a responsive pleading. Rule 15(a) states that “leave should be given when justice so requires”.

Plaintiffs are seeking a Nunc Pro Tunc leave of court for their first amended complaint, as it serves:

- a. interest of justice
- b. judicial economy, as it would eliminate the need of filing a new complaint.

- a. The case at hand deals with the fact that Barack Hussein Obama, who is currently, running as a Presidential candidate in the state of Indiana, is

committing elections fraud and running under false pretenses , using a Connecticut Social Security number, which was never assigned to him according to E-verify and SSNVS (Exhibits 2, 3), using a computer generated forgery instead of a valid birth certificate, a forged selective service certificate and a name that is not legally his. This is the biggest case of elections fraud. Interests of justice call for granting a nunc pro tunc leave for first amended complaint.

b. If the complaint is dismissed due to a technical error, such as lack of the address information of some of the plaintiffs in the original complaints, the case will not be resolved on the merits, there will not be a res judicata estoppel and the plaintiffs will be entitled to refile the complaint. The interests of judicial economy call for a nunc pro tunc leave to file a first amended complaint, which was already filed, which will allow the case to be heard on the merits.

Respondents in their support of their second objection claiming that the Amendments do not cure the defects in the original pleadings refer to *Kemp v. Family and Social Services* 693 N.E.2nd 903 (Ind. Ct. App. 211). The court should disregard this case as not relevant. The abovementioned case refers to the proper verification of the pleading and to the fact that because there was no verification the case was not filed properly and timely¹ whereas Respondents

¹ Verification is an essential part of the petition for judicial review of an administrative action, and we have consistently considered proper verification a condition precedent to judicial review.

demand to dismiss the case on the bases that the First Amended Complaint was filed in the time frame provided by AOPA. Although Respondents may refer to the wording in the case *Hoosier Environmental Council, 673 N.E.2d at 815-16* (if there is no timely filing there is nothing to which an amended pleading can relate back) the point is irrelevant because in the case at hand the original pleadings were filed timely and therefore the amended pleadings do relate back to the original and thus the pleadings were done timely and in compliance with AOPA.

In the original motion to dismiss the original complaint defendants sought to dismiss, as there were some missing addresses of some of the Plaintiffs. This deficiency was cured in the amended complaint.

Defendants are presenting desirable and reality. Defendants wish this complaint to be only an agency appeal, however First Amended complaint also includes causes of action related to fraud and breach of fiduciary duties by the defendants. **There is no requirement to file a certified agency record for other causes of action, such as claims of Negligence, Fraud and Breach of Fiduciary Duty.**

Additionally, Plaintiffs Taitz and Kern filed their complaints with the

This defect was left uncured by the Employees' amended verified petition filed after the statutory thirty-day period for filing the pleading had elapsed. *Kemp v. Family and Social Services 693 N.E.2nd 903 (Ind. Ct. App. 211)*

secretary of State, but never received a hearing or determination and therefore there was no hearing, no agency record to be submitted over the original complaint. There the court ruled based on *Izaak Walton League of America, Inc. v. DeKalb County Surveyor's Office*, 850 N.E.2d 957 (Ind. Ct. App. 2006), trans. denied. There, we rejected a strict, hyper-technical construction of the AOPA that would require all paper generated during an agency proceeding to be made part of the record for judicial review.

TRANSCRIPT REQUIREMENT

First defendants are claiming that lack of timely submission of the certified transcript from the agency calls for dismissal of the case. This is not the case. Indiana Family and Social Services V Alice Meyer et al 69A01-0807CV358 states that such deficiency can be cured and the court has jurisdiction to extend time for submission of such transcript. In Meyer the FSSA presents the sole issue of whether the trial court was divested of jurisdiction to address the Trust's petition for judicial review because the Trust did not timely file the agency record or seek an additional extension of time in which to do so. We restate the issue as: whether the trial court had discretion to respond to procedural error by granting a belated extension of time. Meyer clearly shows that the court has jurisdiction to extend time to complete the file.

In regards to plaintiffs Swihart, Weyl and Kesler, they submitted a 202 page record with their complaint. Chair of the Elections Commission specifically stated to the

Plaintiffs that the commission will lodge the exhibits, but will not enter them into record, so that the plaintiffs can proceed in court. Defendants actually directed plaintiffs to go to court to pursue their complaint against Obama, which members of the commission did not want to touch. Actions by the defendants contradict their current assertions that the court does not have jurisdiction. since the defendants refused to admit the exhibits into record, and directed Plaintiffs to file their complaint with this court, the plaintiffs properly submitted to court the exhibits with a proper complaint that the agency improperly refused to admit the exhibits into record. As such Plaintiffs are not required to submit a record, as the agency denied them the right to file the exhibits with their complaint. The Plaintiffs are properly challenging before the court of competent jurisdiction a denial by the agency of their request to submit the records into evidence and rule on the merits.

Further Defendants are stating that:

- a. according to AOPA the court needs to find that the petition for review for a stay order show a reasonable probability that the order or determination appealed from is invalid or illegal and defendants believe that the court will not find that
- b. according to AOPA a \$500 bond is required

Plaintiffs are responding as follows:

a. First Amended Complaint contains multiple causes of action, not only AOPA. If a petition for a mandamus stems from other causes of action, such as Fraud, Breach of Fiduciary Duties and Negligence, AOPA requirements are irrelevant.

b. A hearing was scheduled for June 12th, in one week. Plaintiffs are intending to present all the evidence, which would show with reasonable probability that the order or determination appealed from is invalid or illegal. Plaintiffs are prepared to pay \$500 bond before the hearing or on the day of the hearing. Any motion to dismiss without leave to amend would require a defect in the complaint, which cannot be cured. Payment of a \$500 bond can be easily cured.

Defendants are acting with malice and calling the complaint "baseless", even though Plaintiffs submitted undeniable evidence showing Obama committing the most egregious fraud and defendants being either negligent or acting intentionally and maliciously in breaching their fiduciary duty towards the public in not safeguarding the public from elections fraud and aiding and abetting fraud committed by Obama.

Defendants did not provide any authority or any precedent stating that the Plaintiffs cannot appeal the decision of the Secretary of State and the Elections commission and also sue the same individuals for negligence, breach of fiduciary duties and fraud. The reason the defendants did not provide such authority or

precedents, is because such notion is simply ludicrous and baseless and needs to be denied.

In Addition, Respondents declare that Petitioner “seek a wide-ranging unfettered political discussion”² due to the fact that Petitioner filed several other causes of actions. This assertion is totally baseless.

Respondent continues to confuse the court claiming that Respondent violates the Indiana law by practicing law in the State of Indiana without the license. This claim is done out of desperation. Orly Taitz is an attorney acting pro se and acts as *Plaintiff Pro Se* which is not prohibited by Indiana Law. Moreover, the Court agreed that "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." *Elmore v. McCammon (1986) 640 F. Supp. 905*. As stated in the complaint, Plaintiff Taitz filed a valid complaint of elections fraud and use of forged documents for purpose of fraud by candidate Obama. defendants conviniently omitting the fact that Taitz filed her own verified complaint. Defendants breached their fiduciary duty and were complicit with Obama by covering up above fraud and refusing to respond to the complaint. Taitz brought a proper complaint in court after she could not get resolution through administrative means. Defendants are attempting to defraud this court by

² See “Response in Opposition to Petitioner’s ‘Petition for Emergency Injunctive Relief/Petition for Declaratory Relief’ and Reply in Support of Respondent’s Motion to Dismiss, Motion to Strike Appearance of Orly Taitz and Motion for Sanctions.”¶ 11.

misrepresenting the truth and hiding the fact that Taitz filed her own complaint and is one of pro se plaintiffs.

1. Furthermore, Respondent claiming Indiana Administrative Rule 9(G)(1)(d) as a support to their allegation that the Petitioner violates that rule by providing access to the confidential information of a living person to the public. This allegation should be dismissed by the Court due to the fact that as it well noted by Respondent Indiana Administrative Rule 9(G)(1)(d) applies only to an information of a *living person*. The evidence provided by Petitioners clearly shows that the social security number in arguments is in fact does not belong to the *living person*. As a matter of fact Taitz submitted exhibits 2, 3, E-verify and SSNVS showing that the number 042-68-4425 was never assigned to Barack Obama. Affidavit of licensed investigator Susan Daniels shows that the number in question was assigned to an individual born in 1890. (Exhibit 1) This individual is presumed to be deceased, but his death was not reported. Defendants did not provide any evidence which would show that Plaintiffs disclosed any valid social Security numbers of any living person. This is the opposite. Plaintiffs have shown that the number in question was not assigned to Obama or any other living person for that matter. This is an important part of the complaint, showing that indeed candidate Obamais committing massive fraud and using

multiple forged and fraudulently obtained identification papers. Therefore, Indiana Administrative Rule 9(G)(1)(d) is inapplicable and does not govern this matter.

2. Additionally, Plaintiffs did not disclose any confidential information.
3. Barack Obama personally disclosed full unredacted Social Security number that he is using on his tax returns, when he posted his tax returns on line and did not “flatten” the PDF file. Millions of people went on the public web site WhiteHouse.gov, opened the file in Adobe Illustrator program and later checked aforementioned Social Security number through E-Verify and SSNVS. Millions of people know by now that Barack Hussein Obama is using a Connecticut Social security number, while he was never a resident of Connecticut and the number, which was never assigned to him through E-Verify and SSNVS.(Exhibits 1, 2). Moreover, on January 26,2012 Assistant Chief Administrative Judge of the state of GA, Judge Malihi, allowed multiple witnesses to testify during Obama’s eligibility hearing. Witnesses testified to Obama ‘s fraudulent use of a Connecticut Social Security number of a resident of Connecticut, born in 1890. Judge Malihi allowed a full Social Security number 042-68-4425 to be projected on the screen and the witnesses: Senior Deportation officer from the Department of the Homeland Security, John Sampson, and a licensed investigator, certified

by the department of Homeland Security, Susan Daniels, testified that Obama is fraudulently using a Social Security number from the state, where he never resided. All of the major networks were present in court. CNN, ABC, NBC, CBS and others recorded the hearing and reported it by transmitting on TV. By now Obama's fraudulent use of a Social Security number, which was not assigned to him, became a matter of common knowledge. Only corruption of governmental officials, like Secretary of State Coney Lawson and members of the election commission allow this fraud to continue. Office of the Attorney General of Indiana was supposed to be there assisting the Secretary of State and elections Commission in safeguarding the citizens against this fraud, instead Attorney General Zoeller and deputy attorney General Garn are being even more corrupt and criminally complicit by aiding and abetting this elections fraud, Social Security fraud and use of forged documents by Obama. They are also trying to intimidate and harass the citizens, who are the whistleblowers against the corrupt establishment, by bringing forward ridiculous and bogus demands for sanctions. While Secretary of State Lawson is an auctioneer by trade and is clueless about law and elections, as she never got any education beyond High School, the four members of the elections commission, Attorney General of the state and Deputy Attorney General are licensed attorneys,

they are well aware that they are criminally complicit in fraud. Actions of the defendants and their attorneys show such an unprecedented malice and criminal complicity, that they should be sanctioned by this court. Plaintiff Taitz is also forwarding an official bar complaint to the Indiana Attorneys bar seeking sanctions or disbarment of Attorneys Zoeller, Garn, and four members of the elections commission for being criminally complicit in elections fraud, Social security fraud and use of forged documents in connection to Presidential elections

DEFENSE NEVER FILED A MOTION TO DISMISS THE FIRST AMENDED COMPLAINT.

Plaintiffs filed a complaint. Defendants filed a motion to dismiss. Plaintiffs filed an amended complaint. Defendants never filed a motion to dismiss the first amended complaint.

As there was never a Motion to dismiss the first Amended Complaint, there was no opposition to the non existing motion. Now the Defendants are attempting to file a **REPLY TO NON –EXISTING OPPOSITION TO NON EXISTING MOTION.**

A reply filed by the defendants is improper.

**MOTION FOR SANCTION AGAINST THE DEFENDANTS AND
THEIR ATTORNEYS FOR FRAUD ON THE COURT, COMPLICITY
IN COMMITTING FRAUD AND USE OF FORGED DOCUMENTS AND
HARASSMENT AND INTIMIDATION OF THE PLAINTIFFS-
WHISTLEBLOWERS.**

1. May 21, 2012 pleadings by the defendants are not only unintelligible and frivolous, but are fragrantly repleat with fraudulent statements and Plaintiffs are seeking sanctions against the Plaintiffs and their attorneys for flagrant fraud on the court committed by the defendants and their attorneys.
2. Taitz is one of the Plaintiffs in this case. Defendants are flagrantly defrauding the court by claiming that she is acting as an attorney, but they are also going further by claiming that Taitz admitted to practicing law in Indiana in violation of Indiana law. Taitz never made any such admissions. Taitz is counsel pro se representing only herself and nobody else. All of the other parties are plaintiffs pro se, who desired to join as additional co-plaintiffs. Taitz never charged the parties anything, the parties signed all of the pleadings as pro se parties.
3. Defendants have a heightened duty to act ethically and safeguard the public from fraud. Defendants are a Secretary of State and the Elections Commission. Attorney for the Defendants are attorneys of the office of the Attorney General of the state. Not only the Defendants were derelict in their

duties and allowed fraud to be committed, they are engaging in manipulations, misrepresentation and fraud, in order to defame and denigrate the Plaintiffs, misrepresent the truth and cover up their complicity.

4. When Plaintiffs provided Defendants with evidence of fraud they had to act. Instead they simply ignored the fraud complaint by Taitz and Kern. They did not provide any investigation or any response. Defendants allowed Swihart, Kesler and Weyl to appear before the commission, but refused to admit any exhibits into evidence. They completely ignored all testimony and were clearly under the marching orders to shut up the Plaintiffs. Both Defendants and Secretary of State are now defrauding the court by omitting the fact that Taitz and Kern filed separate complaints. They are also defrauding the court by claiming that the complaint is frivolous and represents bad faith claim and behavior. They completely ignored all of the evidence provided. they did not address any element of any claim. They simply engaged in defamation of Plaintiffs' character without any justification. Such actions by the state officials undermine the rule of law and threaten national security, as they are allowing fraud in the highest office of the land and are bringing forward bogus accusations in order to intimidate the Plaintiffs, who are the whistleblowers.

Defendants and their attorneys are so desperate to aid and abet Barack Obama in defrauding the court and the citizens that they engage in flagrant fraud and making up things that never took place, for which they should be sanctioned.

WHEREFORE,

Plaintiff Taitz respectfully requests the court grant Nunc pro tunc motion. The court should deny defendants May 21 motion pleadings. Court should sanction defendants and their attorneys for filing a reply to non-existent opposition to non-existent motion. Court should sanction the defendants and their attorneys for fraud on the court and for being fragrantly complicit in elections fraud and identity fraud committed by Obama by virtue of use of a stolen Social security number, forged birth certificate, forged Selective Service certificate and a last name that is not legally his. The court should report defendants: members of the elections commission and their attorneys Garn, Shelby and Zoeller to Indiana bar for being criminally complicit in elections fraud. Indiana removed prior Secretary of State for a minor violation of rules. Here we have the biggest case of elections fraud in

the US history. This court should hold the defendants and their attorneys accountable.



Respectfully submitted,

by: /s/ Dr. Orly Taitz
Plaintiff Pro Se

Declaration by Orly Taitz

I, Orly Taitz, am an attorney, licensed in the state of California, 9th circuit, 3rd circuit, Supreme Court of the United States, International Criminal Bar Panel and multiple other courts pro hac vice attest that the following is true and correct:

1. Affidavit of Susan Daniels is a true and correct copy of such affidavit provided to me by licensed investigator Susan daniels.
2. Affidavit of Linda Jordan, and E-verify attesting to lack of match between the name Barack Obama and the Social Security he is using, is a true and correct copy of the above certificate received by me.
3. SSNVS (Social Security Number Verification System) is a true and correct copy of the SSNVS report, showing that the Social security

Exhibit 3

**MOTION FOR RELIEF FROM JUDGMENT/ORDER UNDER RULE 60 DUE
TO MISTAKE BY THE COURT**

DR. ORLY TAITZ ESQ
Plaintiff Pro SE
29839 SANTA MARGARITA, STE 100
RANCHO SANTA MARGARITA, CA 92688
ph 949-683-5411 fax 949-766-7687
orly.taitz@gmail.com

IN THE SUPERIOR COURT
MARION COUNTY

DR. ORLY TAITZ, ESQ) Case No. 49D 141 203MI 12046
KARL SWIHART)
EDWARD KESLER)
BOB KERN)
FRANK WEYL)
V)
ELECTIONS COMMISSION)

SECRETARY OF STATE OF INDIANA

MOTION FOR RELIEF FROM JUDGMENT/ORDER UNDER RULE 60 DUE
TO MISTAKE BY THE COURT

Comes now Plaintiff Pro Se Dr Orly Taitz, ESq (Hereinafter Taitz) and seeks a relief from the order to dismiss the case due to failure to follow requests, due to the fact that the order represents a complete impossibility and an error, as the court never made any requests and there was never any failure to follow requests, as there were never any requests. For this reason Taitz demands immediate reinstatement of the above captioned case as it is the most important case of

national security and deals with high ranking state officials aiding and abetting elections fraud and forgery committed by candidate for the US Presidency Barack Hussein Obama.

ARGUMENT

1. On June 12, 2012 Honorable Judge S. K. Reid issued an order "Court orders case dismissal for failing to follow requests " Exhibit 1 Civil Case Results, Entry Detail 06.12.2012
2. Exhibit 2, Case Activity Report from 06.20. 2012 shows that there were never any Requests made by the court.
3. Exhibit 3 Affidavit by attorney Orly Taitz, Plaintiff Pro Se in the above captioned case attesting to the fact that she never received any requests from the court, there are no requests by the court on the docket, and there was never any failure to follow requests, as there were never any requests. Rule 60 (B) (1) provides for relief from Judgment/order due to mistake.

Rule 60. Relief from judgment or order

(A) Clerical mistakes. Of its own initiative or on the motion of any party and after such notice, if any, as the court orders, clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the trial court at any time before the Notice of Completion of Clerk's Record is filed under Appellate Rule 8. After filing of the Notice of Completion of Clerk's Record and during an appeal, such mistakes may be so corrected with leave of the court on appeal.

(B) Mistake--Excusable neglect--Newly discovered evidence--Fraud, etc. On motion and upon such terms as are just the court may relieve a party or his legal representative from a judgment, including a judgment by default, for the following reasons:

- (1) mistake, surprise, or excusable neglect;
- (2) any ground for a motion to correct error, including without limitation newly discovered evidence, which by due diligence could not have been discovered in time to move for a motion to correct errors under Rule 59;
- (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;
- (4) entry of default or judgment by default was entered against such party who was served only by publication and who was without actual knowledge of the action and judgment, order or proceedings;
- (5) except in the case of a divorce decree, the record fails to show that such party was represented by a guardian or other representative, and if the motion asserts and such party proves that
 - (a) at the time of the action he was an infant or incompetent person, and
 - (b) he was not in fact represented by a guardian or other representative, and
 - (c) the person against whom the judgment, order or proceeding is being avoided procured the judgment with notice of such infancy or incompetency, and, as against a successor of such person, that such successor acquired his rights therein with notice that the judgment was procured against an infant or incompetent, and
 - (d) no appeal or other remedies allowed under this subdivision have been taken or made by or on behalf of the infant or incompetent person, and
 - (e) the motion was made within ninety [90] days after the disability was removed or a guardian was appointed over his estate, and
 - (f) the motion alleges a valid defense or claim;
- (6) the judgment is void;
- (7) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or
- (8) any reason justifying relief from the operation of the judgment, other than those reasons set forth in sub-paragraphs (1), (2), (3), and (4).

The motion shall be filed within a reasonable time for reasons (5), (6), (7), and (8), and not more than one year after the judgment, order or proceeding was entered or taken for reasons (1), (2), (3), and (4). A movant filing a motion for reasons (1), (2), (3), (4), and (8) must allege a meritorious claim or defense. A motion under this subdivision (B) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding or for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

(C) Appeal--Change of venue. A ruling or order of the court denying or granting relief, in whole or in part, by motion under subdivision (B) of this rule shall be deemed a final judgment, and an appeal may be taken therefrom as in the case of a judgment. No change of venue in such cases shall be taken from the judge or county except for cause shown by affidavit.

(D) Hearing and relief granted. In passing upon a motion allowed by subdivision (B) of this rule the court shall hear any pertinent evidence, allow new parties to be served with summons, allow

discovery, grant relief as provided under Rule 59 or otherwise as permitted by subdivision (B) of this rule.

- (E) Infants, incompetents, and governmental organizations.** Except as otherwise provided herein, this rule shall apply to infants, incompetents, and governmental organizations. The time for seeking relief against a judgment, order or proceeding allowed or recognized under subdivision (B) of this rule or any other statute shall not be tolled or extended as to such persons.

Due to the fact that a clear error of fact was committed by the court, and there were never any requests from the court and there was never any failure to follow any requests as there were never any requests, the court should reverse an erroneous order of dismissal and reinstate the case. The reinstatement of the case should be done immediately as this is the case of national importance and paramount to national security. Defendants in this case, Secretary of State of Indiana Connie Lawson and members of Elections Commission breached their fiduciary duty to the petitioners, acted negligently and with malice and committed fraud by allowing Barack Hussein Obama, a foreign national, who is using a name that is not legally his, using a forged birth certificate, forged Selective Service certificate and fraudulently obtained Social Security number, which was not assigned to him according to E-Verify and SSNVS, to be a candidate on the ballot in the State of Indiana. The actions by the defendants are so egregious that they border on treason. If this court does not correct a clear error of fact and does

not reinstate this case immediately, this court will become complicit in the crimes committed by the defendants and will become complicit to treason by allowing a foreign national with forged identification papers on the ballot in the state of Indiana.

CONCLUSION

Due to flagrant error of fact above captioned case should be reinstated immediately.

Respectfully submitted



/s/ Dr. Orly Taitz, ESQ

Dated

06.24.2012

CERTIFICATE OF SERVICE

I, Yulia Yun, am not a party to the above captioned case, I attest that I served the defendants in this case with above pleadings by first class mail through their attorney at the following address:

Deputy Attorney General

Jefferson Garn

302 W. Washington Str.

5th floor

Indianapolis, IN 46204

Signed _____

Yulia Yun

Dated _____

cc Congressman Darell Issa
Chairman
House oversight committee
2347 Rayburn House Office Building
Washington DC, 20515

cc Congressman Lamar Smith
Chairman of the House Committee
On the Judiciary
2409 Rayburn House Office Building
Washington DC, 20515

Public Integrity Section
Department of Justice
950 Pennsylvania Ave, NW
Washington DC 20530-0001

Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Special Rapporteur on the Situation of Human Rights Defenders

The Honorable Mrs. Margaret Sekaggya

Palais des Nations

CH-1211 Geneva 10, Switzerland

International Criminal bar Hague

United Nations Commission for

Civil Rights Defenders

Orsolya Toth (Ms)

Human Rights Officer

Civil and Political Rights Section

Special Procedures Division

Office of the High Commissioner for Human Rights

Inter -American Commission on Human Rights

1889 F Street, N.W., Washington, D.C., 20006 U.S.A..
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Luis Del Castillo

President International Criminal Panel

luisdelcastillo@bpi-icb.com

Barreau Pénal International Criminal Bar

Barcelona Secretariat:

Avenida Diagonal 529, 1^o2^a 08025 Barcelona, España

EXHIBIT 1

ORDER TO DISMISS FOR FAILING TO FOLLOW REQUESTS



Civil Case Summary Results

Thu Jun 21 19:51:57 EDT 2012

Entry Detail

Case:	ORLY TAITZ DR VS.ELECTIONS COMMISSION
Cause Number:	49D141203MI012046
Suffix:	
Case Status:	O
Event Date:	06/12/12
Last Updated By:	OCW9016
Judge:	S.K. REID, JUDGE
Event Type:	99999

Event
Description:

JACKET ENTRY: PETITIONER'S(ALL) IN PERSON PRO SE;
RESPONDENT COMMISSION BY COUNSEL; COURT CONDUCTS
HEARING ON PENDING MOTIONS; ORAL ARGUMENT
HEARD;COURT ORDERS CASE DISMISSAL FOR FAILING TO
FOLLOW REQUESTS

****End of Record(s)****

[Return to Case Summary](#)

If you want to perform a new name search, click [HERE](#).

[Return](#)

EXHIBIT 2

DOCKET OF

TAITZ V ELECTIONS COMMISSION SHOWING NO REQUESTS EVER
MADE

EXHIBIT 3

DECLARATION OF ORLY TAITZ

I, Orly Taitz, am a licensed attorney in the state of California and admitted to all courts in the state of California, 9th circuit Court of Appeals, 3rd Circuit Court of Appeals, Supreme Court of the United States, International Criminal Bar Panel in Hague and pro hac vice in multiple courts around the country. I am licensed for 10 years.


I attest under the penalty of perjury

1. I never received any requests from the court
2. After the order of dismissal was entered, I checked the chronological docket and there are no requests from the court on the docket either.
3. I never failed to follow any requests as there were never any requests from the court. My co-plaintiffs did not fail to follow any requests, as the docket shows no requests from the court whatsoever, either to me or any other plaintiffs.
4. In my professional opinion as a licensed attorney, who is not licensed in Indiana, but licensed in multiple other courts, order of dismissal

represents a clear error of fact, which is exacerbated by the fact that this is a matter of national importance dealing with the most egregious fraud, forgery and possibly reason committed by defendants by allowing a foreign national Barack Hussein Obama to be on the ballot in the State of Indiana in clear code violation by using a last name, which is not legally his and all forged identification papers.

5. In my professional opinion of a licensed attorney with 10 years of experience and admitted in multiple courts (not in Indiana) including multiple Courts of Appeals and Supreme Court of the United States, the order to dismiss needs to be reversed immediately due to flagrant error and due to national importance.

I attest to above under the penalty of perjury. Declarant further says naught.


/s/ Dr. Orly Taitz, ESQ

06.24.2012

Exhibit 4

**AFFIDAVIT OF SHERIFF JOSEPH M. ARPAIO, MARICOPA COUNTY,
ARIZONA**

State of Arizona)
) ss.
County of Maricopa)

AFFIDAVIT

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury that the facts are true:

1. I am over the age of 18 and am a resident of Arizona. The information contained in this affidavit is based upon my own personal knowledge and, if called as a witness, could testify competently thereto. I am the duly elected Sheriff of Maricopa County, Arizona, and I have been a law enforcement officer and official, in both state and federal government, for 51 years.
2. In August of last year, a group of citizens from the Surprise Arizona Tea Party organization met with me in my office and presented a petition signed by approximately 250 residents of Maricopa County, asking if I would investigate the controversy surrounding President Barrack Obama's birth certificate authenticity and his eligibility to serve as the President of the United States.
3. This group expressed its concern that, up until that point, no law enforcement agency in the country had ever gone on record indicating that they had either looked into this or that they were willing to do so, citing lack of resources and jurisdictional challenges.
4. The Maricopa County Sheriff's Office is in a rather unique position. Under the Arizona Constitution and Arizona Revised Statutes, as the elected Sheriff of Maricopa County, I have the authority to request the aid of the volunteer posse, located in the county, to assist me in the execution of my duties. Having organized a volunteer posse of approximately 3,000 members, I, as the Sheriff of the Maricopa County Sheriff's Office, can authorize an investigation go forward to answer these questions at virtually no expense to the tax payer.
5. The Cold Case posse agreed to undertake the investigation requested by the 250 citizens of Maricopa County. This posse consists of former police officers and attorneys who have worked investigating the controversy surrounding Barack Obama. The investigation mainly focused on the electronic document that was

presented as President Obama's long form birth certificate to the American people and to citizens of Maricopa County by the White House on April 27, 2011.

6. The investigation led to a closer examination of the procedures regarding the registration of births at the Hawaii Department of Health and various statements made by Hawaii government officials regarding the Obama birth controversy over the last five years.
7. Upon close examination of the evidence, it is my belief that forgery and fraud was likely committed in key identity documents including President Obama's long-form birth certificate, his Selective Service Registration card, and his Social Security number.
8. My investigators and I believe that President Obama's long-form birth certificate is a computer-generated document, was manufactured electronically, and that it did not originate in a paper format, as claimed by the White House. Most importantly, the "registrar's stamp" in the computer generated document released by the White House and posted on the White House website, may have been imported from another unknown source document. The effect of the stamp not being placed on the document pursuant to state and federal laws means that there is probable cause that the document is a forgery, and therefore, it cannot be used as a verification, legal or otherwise, of the date, place or circumstances of Barack Obama's birth.
9. The Cold Case Posse law enforcement investigation into Barack Obama's birth certificate and his eligibility to be president is on-going. The on-going nature of the investigation is due to additional information that has come to light since we held the press conference in March, 2012. As soon as that information has been properly verified by the Cold Case Posse, I will release that information to the public.

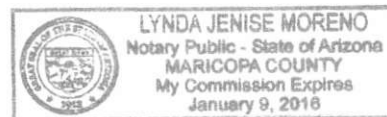
Executed this 12 day of June, 2012, in
Maricopa County, Arizona.



Joseph M. Arpaio, Maricopa County Sheriff

Sworn to and subscribed before me this
12th day of June, 2012.

Lynda Jenise Moreno



Certificate of Service

I, Yulia Yun, am not a party to this case and attest that a true and correct copy of above pleadings was served on the parties to the case at the addresses below by first class mail.

Jefferson Garn
Deputy Attorney General
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204-2770

Karl Swihart
460 Austin Drive
Avon, IN 46123


Edward Kesler
3070 S. Leisure Place
West Terre Haute, IN 47885

Frank Weyl
701 N. Brentwood Lane
Muncie, IN 47304

Bob Kern
1040 N. Delaware St.
Indianapolis, IN 46202

Yulia Yun

06.27.2012



Distribution:

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